

JUN 01 2010

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
--

No. 09-90166

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a magistrate judge assigned to his civil rights case made various improper substantive and procedural rulings, ultimately leading to the deprivation of complainant's constitutional rights. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against him because he appeared pro se and the judge favored the state's attorneys. But complainant hasn't provided any objectively verifiable proof to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Adverse rulings and the timing of a judge's rulings do not alone constitute evidence of bias or favoritism. Because there is no evidence of misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii);

Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.